



General Assembly

February Session, 2008

**Substitute Bill No. 5877**

\* \_\_\_\_\_ HB05877JUD \_\_\_\_\_ 031708 \_\_\_\_\_ \*

**AN ACT CONCERNING TERMS OF PROBATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 53a-29 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2008*):

3       (a) The court may sentence a person to a period of probation upon  
4       conviction of any crime, other than a class A felony, if it is of the  
5       opinion that: (1) Present or extended institutional confinement of the  
6       defendant is not necessary for the protection of the public; (2) the  
7       defendant is in need of guidance, training or assistance which, in [his]  
8       the defendant's case, can be effectively administered through  
9       probation supervision; and (3) such disposition is not inconsistent with  
10      the ends of justice.

11      (b) The court may impose a sentence of conditional discharge for an  
12      offense, other than a class A felony, if it is of the opinion that: (1)  
13      Present or extended institutional confinement of the defendant is not  
14      necessary for the protection of the public; and (2) probation  
15      supervision is not appropriate.

16      (c) When the court imposes a sentence of conditional discharge, the  
17      defendant shall be released with respect to the conviction for which the  
18      sentence is imposed but shall be subject, during the period of such  
19      conditional discharge, to such conditions as the court may determine.

20 The court shall impose the period of conditional discharge authorized  
21 by subsection (d) of this section and shall specify, in accordance with  
22 section 53a-30, the conditions to be complied with. When a person is  
23 sentenced to a period of probation the court shall impose the period  
24 authorized by subsection (d), (e) or (f) of this section and may impose  
25 any conditions authorized by section 53a-30. When a person is  
26 sentenced to a period of probation, [he] such person shall pay to the  
27 court a fee of two hundred dollars and shall be placed under the  
28 supervision of the Court Support Services Division.

29 (d) [The] Except as provided in subsection (f) of this section, the  
30 period of probation or conditional discharge, unless terminated sooner  
31 as provided in section 53a-32 or 53a-33, shall be as follows: (1) For a  
32 [felony, except as provided in subsection (e) of this section] class B  
33 felony, not more than five years; (2) for a class C or D felony or an  
34 unclassified felony, not more than three years; (3) for a class A  
35 misdemeanor, not more than [three] two years; [(3) for a class B  
36 misdemeanor, not more than two years;] (4) for a class B or C  
37 misdemeanor, not more than one year; and (5) for an unclassified  
38 misdemeanor, not more than one year if the authorized sentence of  
39 imprisonment is three months or less, or not more than two years if the  
40 authorized sentence of imprisonment is in excess of three months, or  
41 where the defendant is charged with failure to provide subsistence for  
42 dependents, a determinate or indeterminate period.

43 (e) Notwithstanding the provisions of subsection (d) of this section,  
44 the court may, in its discretion, on a case by case basis, sentence a  
45 person to a period of probation which period, unless terminated  
46 sooner as provided in section 53a-32 or 53a-33, shall be as follows: (1)  
47 For a class C or D felony or an unclassified felony, not more than five  
48 years; (2) for a class A misdemeanor, not more than three years; and (3)  
49 for a class B misdemeanor, not more than two years.

50 [(e)] (f) The period of probation, unless terminated sooner as  
51 provided in section 53a-32, shall be not less than ten years or more  
52 than thirty-five years for conviction of a violation of subdivision (2) of

53 subsection (a) of section 53-21 of the 2008 supplement to the general  
54 statutes or section 53a-70, 53a-70a, 53a-70b, 53a-71 of the 2008  
55 supplement to the general statutes, 53a-72a, 53a-72b, 53a-90a of the  
56 2008 supplement to the general statutes, 53a-196b, 53a-196c of the 2008  
57 supplement to the general statutes, 53a-196d of the 2008 supplement to  
58 the general statutes, 53a-196e of the 2008 supplement to the general  
59 statutes or 53a-196f of the 2008 supplement to the general statutes.

60 (g) Whenever the court sentences a person, on or after the effective  
61 date of this section, to a period of probation of more than two years for  
62 a class C or D felony or an unclassified felony or more than one year  
63 for a class A or B misdemeanor, the probation officer supervising such  
64 person shall submit a report to the sentencing court not later than sixty  
65 days prior to the date such person completes two years of such  
66 person's period of probation for such felony or one year of such  
67 person's period of probation for such misdemeanor setting forth such  
68 person's progress in addressing such person's assessed needs and  
69 complying with the conditions of such person's probation. The  
70 probation officer shall recommend, in accordance with guidelines  
71 developed by the Judicial Branch, whether such person's sentence of  
72 probation should be continued for the duration of the original period  
73 of probation or be terminated. Not later than sixty days after receipt of  
74 such report, the sentencing court shall continue the sentence of  
75 probation or terminate the sentence of probation. Notwithstanding the  
76 provisions of section 53a-32, the parties may agree to waive the  
77 requirement of a court hearing. The Court Support Services Division  
78 shall establish within its policy and procedures a requirement that any  
79 victim be notified whenever a person's sentence of probation may be  
80 terminated pursuant to this subsection. The sentencing court shall  
81 permit such victim to appear before the sentencing court for the  
82 purpose of making a statement for the record concerning whether such  
83 person's sentence of probation should be terminated. In lieu of such  
84 appearance, the victim may submit a written statement to the  
85 sentencing court and the sentencing court shall make such statement a  
86 part of the record. Prior to ordering that such person's sentence of

87 probation be continued or terminated, the sentencing court shall  
88 consider the statement made or submitted by such victim.

89 Sec. 2. Subsection (a) of section 20-341 of the 2008 supplement to the  
90 general statutes is repealed and the following is substituted in lieu  
91 thereof (*Effective October 1, 2008*):

92 (a) Any person who wilfully engages in or practices the work or  
93 occupation for which a license is required by this chapter without  
94 having first obtained an apprentice permit or a certificate and license  
95 for such work, or who wilfully employs or supplies for employment a  
96 person who does not have a certificate and license for such work, or  
97 who wilfully and falsely pretends to qualify to engage in or practice  
98 such work or occupation, or who wilfully engages in or practices any  
99 of the work or occupations for which a license is required by this  
100 chapter after the expiration of such person's license, shall be guilty of a  
101 class B misdemeanor, provided no criminal charges shall be instituted  
102 against such person pursuant to this subsection unless the work  
103 activity in question is reviewed by the Commissioner of Consumer  
104 Protection, or the commissioner's authorized agent, and the  
105 commissioner or such agent specifically determines, in writing, that  
106 such work activity requires a license and is not the subject of a bona  
107 fide dispute between persons engaged in any trade or craft, whether  
108 licensed or unlicensed. Notwithstanding the provisions of subsection  
109 (d) or (e) of section 53a-29, as amended by this act, and subsection (d)  
110 of section 54-56e of the 2008 supplement to the general statutes, if the  
111 court determines that such person cannot fully repay any victims of  
112 such person within the period of probation established in subsection  
113 (d) or (e) of section 53a-29, as amended by this act, or subsection (d) of  
114 section 54-56e of the 2008 supplement to the general statutes, the court  
115 may impose probation for a period of not more than five years. The  
116 penalty provided in this subsection shall be in addition to any other  
117 penalties and remedies available under this chapter or chapter 416.

118 Sec. 3. Subsection (a) of section 20-417e of the general statutes is  
119 repealed and the following is substituted in lieu thereof (*Effective*

120 *October 1, 2008*):

121 (a) In addition to any other remedy provided for in sections 20-417a  
122 to 20-417j, inclusive, any person who violates any provision of  
123 subsection (d) of section 20-417d shall be guilty of a class A  
124 misdemeanor. Notwithstanding subsection (d) or (e) of section 53a-29,  
125 as amended by this act, or section 54-56e of the 2008 supplement to the  
126 general statutes, if the court determines that a new home construction  
127 contractor cannot fully repay any victim of the violations committed  
128 by such contractor within the period of probation established in  
129 subsection (d) or (e) of section 53a-29, as amended by this act, or  
130 section 54-56e of the 2008 supplement to the general statutes, the court  
131 may impose probation for a period of not more than five years.

132 Sec. 4. Subsection (c) of section 20-427 of the general statutes is  
133 repealed and the following is substituted in lieu thereof (*Effective*  
134 *October 1, 2008*):

135 (c) In addition to any other remedy provided for in this chapter, (1)  
136 any person who violates any provision of subsection (b) of this section,  
137 except subdivision (8), shall be guilty of a class B misdemeanor and (2)  
138 any person who violates the provisions of subdivision (8) of subsection  
139 (b) of this section shall be guilty of a class B misdemeanor if the home  
140 improvement that is offered or made has a total cash price of ten  
141 thousand dollars or less and shall be guilty of a class A misdemeanor if  
142 the home improvement that is offered or made has a total cash price of  
143 more than ten thousand dollars. Notwithstanding subsection (d) or (e)  
144 of section 53a-29, as amended by this act, or section 54-56e of the 2008  
145 supplement to the general statutes, if the court determines that a  
146 contractor cannot fully repay his victims within the period of  
147 probation established in subsection (d) or (e) of section 53a-29, as  
148 amended by this act, or section 54-56e of the 2008 supplement to the  
149 general statutes, the court may impose probation for a period of not  
150 more than five years. A violation of any of the provisions of this  
151 chapter shall be deemed an unfair or deceptive trade practice under  
152 subsection (a) of section 42-110b.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2008</i>	53a-29
Sec. 2	<i>October 1, 2008</i>	20-341(a)
Sec. 3	<i>October 1, 2008</i>	20-417e(a)
Sec. 4	<i>October 1, 2008</i>	20-427(c)

**JUD**      *Joint Favorable Subst.*